

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LESLIE BARNETT,

No. C 09-6108 MHP

Plaintiff,

MEMORANDUM & ORDER

v.

Re: Plaintiff's Motion for Default Judgment

CAB ASSET MANAGEMENT, LLC

Defendant.

On December 31, 2009, plaintiff Leslie Barnett filed this action against Cab Asset Management, LLC ("Cab Asset") alleging that Cab Asset violated the Fair Debt Collections Practices Act, 15 U.S.C. §§ 1692 *et seq.*, and the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §§ 1788 *et seq.* Docket No. 1 (Complaint). On March 29, 2010, the clerk of this court entered default against Cab Asset. Docket No. 7 (Default). On May 3, 2010, plaintiff sought judgment against Cab Asset in the amount of \$4,884.01. Docket No. 9 (Motion).

Plaintiff is entitled to up to \$2,000 in statutory damages. 15 U.S.C. § 1692k(a)(2)(A) ("in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000"); Cal. Civ. Code § 1788.30(b) ("Any debt collector who willfully and knowingly violates this title with respect to any debtor shall, in addition to actual damages sustained by the debtor as a result of the violation, also be liable to the debtor only in an individual action, and his additional liability therein to that debtor shall be for a penalty in such amount as the court may allow, which shall not be less than one hundred dollars (\$100) nor greater than one thousand dollars (\$1,000)."). Based on plaintiff's allegations, the court awards plaintiff \$2,000 in statutory damages.

1 Plaintiff is also entitled to attorneys' fees and costs. 15 U.S.C. § 1692k(a)(3) ("in the case of
2 any successful action to enforce the foregoing liability, the costs of the action, together with a
3 reasonable attorney's fee as determined by the court."). Plaintiff seeks \$1,972.40 in attorneys' fees
4 and \$411.61 in costs. Both are reasonable. The court awards plaintiff \$2,384.01 in fees and costs.

5 The court declines to award plaintiff anticipated collection costs of \$500 as plaintiff did not
6 provide authority for such an award. 15 U.S.C. section 1692k(a)(3) does not speak to anticipated
7 collection costs.

8 For the foregoing reasons, plaintiff is awarded \$4,384.01. The clerk of the court shall enter
9 judgment accordingly.

10
11 IT IS SO ORDERED.

12 Dated: June 2, 2010



MARILYN HALL PATEL
United States District Court Judge
Northern District of California